

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

**PROCEDURE TO ADDRESS NON-COMPLIANCE  
WITH ECF POLICIES AND PROCEDURES**  
(Revised September 2009)

**I. Authority**

At the May 2007 Judges' Meeting, the Court approved a Procedure to Address Non-Compliance with the ECF Policies and Procedures (Appendix ECF to the Local Rules).

**II. Overview**

With each e-filing error or instance of non-compliance a Notice of E-Filing Error or Notice of Non-Compliance will be generated and served on the filing user, opposing counsel, and the judge's chambers. Action will be taken after there have been a combined threshold of three occurrences of e-filing errors, or non-compliance, or a combination of the two within a six-month period. The threshold will be met whether three violations occur in a single case or a single violation occurs in three different cases.

With each violation, the offending filing user will receive a Notice of E-filing Error or Notice of Non-Compliance that will identify the problem and the course of action that should be taken. The Notice will caution the offending filing user that sanctions may result from repeated errors and/or instances of non-compliance.

**III. Definitions**

**(A) E-filing Error.** Electronically filing a document which violates the local and/or federal rules.

**(B) Non-Compliance.**

- (1) Registered filing users filing a document in paper without leave of Court.
- (2) Failure to update the Court with current contact information resulting in an e-mail being returned to the Court's electronic mailbox as undeliverable.
- (3) An attorney who is admitted to practice before this Court, and has an active case or cases, but has not registered for electronic filing.
- (4) Any other violation of local and/or federal rules.

**(C) Chief Judge's Designee.** For purposes of this procedure, the Chief Judge has designated Judge Robert H. Cleland to act for the Court.

#### **IV. Clerk's Office Contact**

After the third violation within a six-month period, the offending filing user will be contacted in writing by CM/ECF Help Desk personnel. The offending filing user will be instructed to follow a prescribed course of action appropriate for the violations that have occurred. Appropriate action may include, but not be limited to, completion of online training, a violation warning or direction to review specific online content related to electronic filing. The user will be warned that further violations will be referred to the Chief Judge's designee for further action.

#### **V. Further Violations**

Upon the fourth violation within a six-month period, the Chief Judge's designee may issue an Order to Show Cause directing the offending filing user to explain the offending conduct. The Chief Judge's designee may take any remedial action deemed appropriate.

Any additional violations within a six-month period may be considered contempt of court. If held in contempt, an appropriate monetary fine will be imposed.

#### **VI. Newly-Admitted attorneys**

Newly admitted attorneys, who have a pending case at the time of admission, have up to two weeks from their admission date to register and otherwise comply with the ECF Policies and Procedures. Attorneys who do not have any active cases pending at the time of admission are not required to register until such time as the attorney has appeared in an active case.

Approved: May 7, 2007  
Revised: September 2009